

Application No. 10/717,131

Reply to Office Action

*REMARKS/ARGUMENTS**The Present Invention and the Pending Claims*

Claims 1-13 are currently pending. Claims 1-9 are directed to a resin composition comprising a polyolefin resin (A), a metal soap (B), a saponified product (C) of an ethylene-vinyl acetate copolymer and/or a hydrotalcite solid solution (D). Claims 10-13 are directed to a ground laminate composition.

Summary of the Specification and Claim Amendments

The specification has been amended in several instances to correct typographical errors.

Claim 1 has been amended to recite a saponified product (C) of an ethylene-vinyl acetate copolymer having an ethylene content of 75-95 mol%, as supported by the specification at, for example, page 5, lines 24-29. New claim 9 has been added and is supported by the specification at, for example, page 5, lines 24-29. New claims 10-13 have been added and are supported by the specification at, for example, page 23, line 10, through page 25, line 19.

No new matter has been added by way of these amendments.

Information Disclosure Statement

Applicants thank the Examiner for confirming consideration of the references identified in the Information Disclosure Statement (IDS) that was filed on April 6, 2004, by providing the Examiner-initialed Form PTO-1449 to Applicants. The IDS filed March 21, 2006, and including reference AD, appears to have crossed in the mail with the Office Action. Applicants hereby request that the Examiner confirm consideration of the reference cited therein (i.e., reference AD) by returning the Examiner-initialed Form PTO-1449 to Applicants.

Priority Document

Applicants note that the Office has not acknowledged the claim for priority under 35 U.S.C. § 119 nor receipt of the certified copy of the priority document. On December 19,

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2003, Applicants filed the claim for priority and submitted a certified copy of the priority document, JP 2002-334876. Applicants request that the Office acknowledge the claim for priority and receipt of the certified copy of the priority document.

Summary of the Office Action

Claims 1-8 have been rejected under 35 U.S.C. § 103(a), as allegedly obvious over Kenji et al. (JP 2000-053812) in combination with Onishi et al. (EP 1,043,361). Applicants respectfully note that JP 2000-053812 should more properly be referred to as the "Nimiya et al." reference. Therefore, the following discussion refers to "Nimiya et al." in connection with JP 2000-053812. Reconsideration of the pending claims is hereby requested.

Discussion of the Obviousness Rejection

Claims 1-8 have been rejected as allegedly obvious over Nimiya et al. in combination with Onishi et al. Nimiya et al. allegedly discloses a resin composition comprising a thermoplastic resin, an ethylene-vinyl acetate copolymer saponified product, an inorganic filler, a higher fatty acid metal salt (soap), and a hydrotalcite compound. However, Nimiya et al. does not disclose the claimed formula of the metal salt or the process of preparing the metal salt. Onishi et al. allegedly discloses a metal soap with the claimed formula and that is obtained by a dry direct method and reacting a C₁₂₋₃₀ aliphatic monocarboxylic acid with a Group II metal oxide or hydroxide. According to the Examiner, it would have been obvious to combine the disclosures of Nimiya et al. and Onishi et al., since Onishi et al. reportedly recognizes the benefits of using a dry direct method to prepare the metal soap.

Nimiya et al. discloses that the ethylene content of EVOH in the resin composition is 10-70 mol%. Nimiya et al. teaches away from an ethylene content of EVOH of more than 70 mol% since a sufficient oxygen barrier property will not be obtained (paragraph [0013]).

Onishi et al. discloses that the ethylene content of EVOH in the resin composition is 20-60 mol%. Onishi et al. also teaches away from an ethylene content of EVOH of more than 60 mol% because a sufficient gas barrier property will not be obtained (paragraph [0019]).

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Therefore, none of the cited references teach or suggest adjusting the ethylene content of EVOH (C) to 75-95 mol% of the resin composition, as required by the pending claims.

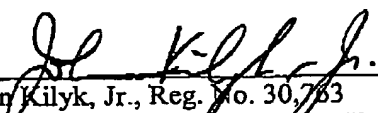
Moreover, Nimiya et al. and Onishi et al. do not recognize the benefits provided by the present invention. Due to the specific combination of elements in the present invention, as defined by the amended claims, the inventive resin composition can provide excellent long-run formability (e.g., surface smoothness, suppression of fish eye, and pigment dispersibility), a suppressive effect on die build-up, and superior transparency and gas barrier properties when it is added to a regrind layer during formation of a laminate having a regrind layer. See, for example, page 32, lines 1-8, and Examples 1-6.

Since the cited references, either alone or in combination, do not disclose all of the elements of the pending claims, the subject matter of claims 1-8 (or new claims 9-13) cannot properly be said to have been obvious in view of Nimiya et al. and Onishi et al. Accordingly, the obviousness rejection in view of these references should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


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